

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NATIONAL RIFLE ASSOCIATION OF AMERICA,

Plaintiff,

-against-

ANDREW CUOMO, both individually and in his official capacity; MARIA T. VULLO, both individually and in her official capacity; and THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES,

Defendants.

No. 18-cv-566 (AMN)(CFH)

JOINT STATUS REPORT

Plaintiff National Rifle Association of America (“NRA”) and Defendant Andrew M. Cuomo (“Cuomo”), by and through their respective undersigned counsel, hereby submit this Joint Status Report in accordance with the Court’s March 2, 2024 text order. At the Court’s request, this Joint Status Report sets forth the status of *National Rifle Association of America v. Vullo*, No. 22-842, before the Supreme Court of the United States.

On May 30, 2024, the Supreme Court held that the NRA plausibly alleged a First Amendment claim against Respondent Maria T. Vullo. *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175 (2024). Accordingly, the Supreme Court vacated the judgment of the U.S. Court of Appeals for the Second Circuit and remanded the case for further proceedings consistent with the Supreme Court’s opinion. *Id.* The Supreme Court also stated that on remand, “the Second Circuit is free to reconsider whether Vullo is entitled to qualified immunity,” *id.* n. 7, a question not addressed by the Supreme Court.

On June 14, 2024, the NRA filed a letter motion requesting that the Court lift the discovery stay as to Cuomo. Dkt. No. 401. Cuomo responded on June 20, 2024, Dkt. No. 403, and the NRA filed a reply on the same day. Dkt. No. 404. That motion is pending.

On July 1, 2024, the Second Circuit received a certified copy of the Supreme Court's judgment in the case. *Nat'l Rifle Ass'n of Am. v. Vullo*, 21-636, Dkt. No. 130 (2d Cir. July 1, 2024). The next day, Vullo moved to reinstate the Second Circuit's qualified immunity judgment, or, in the alternative, for the Court to set a schedule for supplemental briefing to address immunity. *Nat'l Rifle Ass'n of Am. v. Vullo*, 21-636, Dkt. No. 132 (2d Cir. July 2, 2024). On July 8, 2024, the Second Circuit ordered simultaneous letter briefs of 5,000 words to be filed by July 29, 2024 addressing the impact of the Supreme Court's decision on the Second Circuit's holding concerning whether Vullo is protected by qualified immunity. *Nat'l Rifle Ass'n of Am. v. Vullo*, 21-636, Dkt. No. 135 (2d Cir. July 8, 2024).

Dated: New York, New York
July 8, 2024

Respectfully submitted,

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